

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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JOSEPH P. SWEET,

Plaintiff,

Case No. 7:11-CV-555 (GTS/VEB)

v.

MICHAEL J. ASTRUE, Commissioner  
of the Social Security Administration,

Defendant.

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APPEARANCES:

OF COUNSEL:

CONBOY, McKAY, BACHMAN &  
KENDALL, LLP

PETER L. WALTON, ESQ.

Counsel for Plaintiff  
407 Sherman Street  
Watertown, New York 13601

SOCIAL SECURITY ADMINISTRATION  
OFFICE OF REG'L GEN. COUNSEL

MARIA FRAGASSI SANTANGELO, ESQ.  
NOAH M. SCHABACKER, ESQ.

Counsel for Defendant  
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New York, New York 10278

HON. GLENN T. SUDDABY, United States District Judge

**DECISION and ORDER**

The above-captioned matter comes to this Court following a Report-Recommendation by United States Magistrate Judge Victor E. Bianchini, filed on October 24, 2012, recommending that (1) the Commissioner's motion for judgment on the pleadings be denied, (2) Plaintiff's motion for judgment on the pleadings be granted, (3) the Commissioner's decision denying disability benefits be reversed, and (4) the case be remanded to the Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). (Dkt. No. 18.) Objections to the Report-Recommendation have not been filed, and the time in which to do so has expired. (*See generally* Docket Sheet.)

After carefully reviewing all of the papers herein, including Magistrate Judge Bianchini's thorough Report-Recommendation, the Court can find no error in the Report-Recommendation, clear or otherwise. Magistrate Judge Bianchini employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. (Dkt. No. 18.) As a result, his Report-Recommendation is accepted and adopted in its entirety; the Commissioner's motion for judgment on the pleadings is denied; Plaintiff's motion for judgment on the pleadings is granted; the Commissioner's decision denying disability benefits is reversed; and the case is remanded to the Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

**ACCORDINGLY**, it is

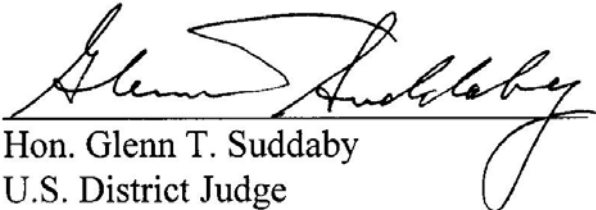
**ORDERED** that Magistrate Judge Bianchini's Report-Recommendation (Dkt. No. 18) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

**ORDERED** the Commissioner's motion for judgment on the pleadings (Dkt. No. 14) is **DENIED**; and it is further

**ORDERED** that Plaintiff's motion for judgment on the pleadings (Dkt. No. 12) is **GRANTED**; and it is further

**ORDERED** that the Commissioner's decision denying disability benefits is **REVERSED**, and this matter is **REMANDED** to the Commissioner of Social Security for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

Dated: November 20, 2012  
Syracuse, New York

  
Hon. Glenn T. Suddaby  
U.S. District Judge